

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 20975 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus directing the respondents to consider the case of the petitioner for regularization of his services as an Aided Physics Lecturer in the 4th respondent college.

Heard Sri N. Guru Gopal, learned counsel for the petitioner, and learned Government Pleader for Education appearing on behalf of the respondents.

It has been contended by the petitioner that he was initially appointed as Lecturer in Physics in the 4th respondent college on 13.08.1993 and, since then, he has been continuing in service as such. When an aided vacancy arose in the 4th respondent college, he submitted a representation to the respondents seeking to consider his case for absorption in the aided vacancy, but the respondents filled up the vacancy with a candidate belonging to Scheduled Caste contending that the vacancy was meant for SC category. It has been further contended that during pendency of the writ petition, another five aided vacancies fell vacant and, at least now, his case may be considered for absorption in the aided vacancy.

The respondents filed a counter contending that there is a ban imposed by the State Government for filling up the aided vacancies

and the initial request of the petitioner for absorption in the aided vacancy could not be considered, because the said vacancy was meant for SC category and the petitioners belongs to OC category.

Learned Government Pleader for Education appearing on behalf of the respondents has contended that unless and until proposals are received from the 4th respondent college, the competent authority cannot pass orders for absorbing the petitioner in the aided vacancy.

I have considered the submissions made by the parties and perused the record. I am of the view that as the petitioner continued in service for more than 2 ½ decades as Lecturer in Physics, his case deserves to be considered for absorption. If the petitioner has been continuously working for all these years, the 4th respondent college shall submit proposals to the competent authority, within two (2) weeks from the date of receipt of a copy of this order, and on receipt of such proposals, the competent authority shall consider the case of the petitioner for absorption, subject to availability of an aided vacancy in the 4th respondent college, if he is otherwise eligible and qualified.

With the above observation, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

14th September, 2018
cbs

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Writ Petition No.20975 of 2002
(disposed of)

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